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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 **UNITED STATES OF AMERICA,**

Case No. **C05-0814 M**

12 Plaintiff,

13 v.

14 **DAYRILL LEWIS**
aka **DAYRL LEWIS**
15 aka **DAYRLL LEWIS,**

16 Defendant,

**WRIT OF CONTINUING
GARNISHMENT**

17 and

18 **CALIFORNIA STATE
UNIVERSITY EAST BAY,**

19 Garnishee.
20 _____/

21 TO: Payroll Department, Student Services & Administration Building, Room 2600
CALIFORNIA STATE UNIVERSITY EAST BAY
22 25800 Carlos Bee Boulevard
23 Hayward, CA 94542

24 YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF
25 THE UNITED STATES OF AMERICA THE WAGES, SALARY, OR COMMISSION IN
26 YOUR CUSTODY, CONTROL, OR POSSESSION IN WHICH THE DEFENDANT-
27 JUDGMENT DEBTOR HAS AN OWNERSHIP INTEREST.

28 The name, SSN XXX-XX-5129, and last known address of the person who is

1 the defendant-judgment debtor (hereinafter "debtor") in this action and whose property
2 is subject to this Writ are as follows:

3 DAYRILL LEWIS aka DAYRL LEWIS aka DAYRLL LEWIS
3302 Costa Drive
4 Hayward, CA 94541

5 This Writ has been issued at the request of the United States of America to
6 enforce the collection of a civil judgment entered in favor of the United States against
7 the debtor for a defaulted student loan in the amount of \$11,461.69. There is a
8 balance of \$16,439.37 due on the judgment, which amount includes costs and interest
9 computed through June 26, 2017.

10 The following are the steps that you must take to comply with this Writ. If you
11 have any questions, you should consult with your attorney.

12 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control,
13 or possession any property of the debtor, including wages, salary, or commissions, in
14 which the debtor has a substantial nonexempt interest, or if you obtain custody,
15 control, or possession of such property while this Writ is in effect, you must
16 immediately withhold such property from the debtor and retain it in your possession
17 until you receive instructions from the Court which will tell you what to do with the
18 property. The United States has requested that the sum of 25% of the debtor's
19 disposable earnings, which under California law represents the nonexempt portion of
20 the debtor's earnings, be withheld from the defendant's earnings.

21 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ
22 within 10 days after service of this Writ upon you. You must answer the Writ even if
23 you do not have in your custody, control, or possession any property of the debtor.
24 Pursuant to 28 U.S.C. § 3205(c)(4), your answer must state, under oath, the following
25 information:

26 a. Whether or not you have in your custody, control, or possession, any
27 property owned by the debtor in which the debtor has a substantial
28

- 1 nonexempt interest, including nonexempt, disposable earnings;
- 2 b. a description of such property and the value of such property;
- 3 c. a description of any previous garnishments to which such property is
- 4 subject and the extent to which any remaining property is not exempt;
- 5 and
- 6 d. the amount of the funds you anticipate owing to the debtor in the future
- 7 and whether the period for payment will be weekly or another specified
- 8 period.

9 For your convenience, a form which addresses the above-requested information is

10 attached and may be used to Answer the Writ.

11 3. After you complete the answer under oath, pursuant to 28 U.S.C. §

12 3205(c)(2)(E) & (c)(4), within ten (10) days after service of this Writ upon you, you

13 must mail or deliver the original Answer bearing the original signature of the person

14 preparing the answer to the Court at the following address:

15 Civil Clerk, United States District Court
16 450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102

17 At the same time that you mail or deliver the original answer to the Court, you must

18 also mail or deliver a copy of the original Answer to both the debtor and attorney for

19 the United States at the following respective addresses:

20 DAYRILL LEWIS aka DAYRL LEWIS aka DAYRLL LEWIS
21 3302 Costa Drive
Hayward, CA 94541

22 Michael Cosentino, Counsel for the United States
23 P.O. Box 129
Alameda, CA 94501

24 Please note that the attached form Answer contains a certificate of service which

25 needs to be completed by the person mailing the copies of the answer to the debtor

26 and the attorney for the United States, and which needs to be filed along with the

27 Answer.

28

1 IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY
2 IN ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE
3 COURT FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO
4 ANSWER THE WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH
5 THE WRIT BEFORE THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO
6 APPEAR AND FAIL TO SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY
7 WITH THIS WRIT, THE COURT WILL ENTER A JUDGMENT AGAINST YOU FOR
8 THE VALUE OF THE DEBTOR'S NONEXEMPT INTEREST IN SUCH PROPERTY
9 (INCLUDING NONEXEMPT DISPOSABLE EARNINGS). THE COURT MAY ALSO
10 AWARD A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AND
11 AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED
12 HEREIN AND IF THE UNITED STATES FILES A PETITION REQUIRING YOU TO
13 APPEAR.

14 SUSAN Y. SOONG, Clerk
15 United States District Court
16 for the Northern District of California

17 Dated: 6/28/2017

18 By: 
19 Deputy Clerk Mark Romyn



DO NOT WITHHOLD THE EXEMPT PORTION OF THE EMPLOYEE'S EARNINGS

1. Earnings include any money (whether called wages, salary, commissions, bonuses, or anything else) paid for personal services, pension, or retirement. Vacation or sick pay is earnings subject to withholding as it is *received* by the employee.

2. Disposable earnings are different from gross pay or take-home pay. They are the earnings left after deducting the part which state or federal law requires an employer to withhold as mandatory deductions. Generally, these mandatory deductions are federal income tax, social security (FICA) tax, state income tax, state disability insurance, and payments to public employee retirement systems. Disposable earnings can change from pay period to pay period, whenever gross pay or required deductions change.

To determine earnings that¹ are eligible for withholding, and therefore must be withheld, see the chart below.

USE THE CHART BELOW TO DETERMINE NONEXEMPT DISPOSABLE EARNINGS AND THE APPLICABLE WITHHOLDING AMOUNT¹ :

Pay Period:	Weekly or oftener	Every 2 weeks	Twice a month	Once a month
Disposable earnings:	\$ 0 to \$217.50	\$ 0 to \$435.00	\$ 0 to \$471.25	\$ 0 to \$942.50
Withhold:	Nothing (entire earnings are exempt)			
Disposable earnings:	\$217.51 to \$290.00	\$435.01 to \$580.00	\$471.26 to \$628.33	\$942.51 to \$1,256.67
Withhold:	Amt. over \$217.50	Amt. over \$435.00	Amt. over \$471.25	Amt. over \$942.50
Disposable earnings:	\$290.01 or more	\$580.01 or more	\$628.34 or more	\$1,256.68 or more
Withhold:	25% of disposable earnings (balance is exempt)			

¹Based on the Federal Minimum Wage Earnings of \$7.25 an hour, effective 07/24/2009

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	Case No. C05-0814 M
Plaintiff,)	
)	
v.)	
)	
DAYRILL LEWIS)	
aka DAYRL LEWIS)	
aka DAYRLL LEWIS,)	
)	
Defendant,)	
)	
and)	
)	
CALIFORNIA STATE)	
UNIVERSITY EAST BAY,)	ANSWER OF GARNISHEE
)	
Garnishee.)	
_____)	

I, _____, being first duly sworn, hereby state the following:

1. I am the _____ (Official Title) of the Garnishee
named in the above caption. I am authorized to prepare this Answer on behalf of the
Garnishee.

2. The Garnishee was served with the Writ of Continuing Garnishment on
_____ (date) in this action.

3. The Garnishee currently has custody, control, or possession of earnings of
the Defendant. Yes____ No____

1 4. The Garnishee expects to obtain custody, control, or possession of earnings
2 of the Defendant in the foreseeable future. Yes____ No____

3 5. For the pay period in effect on the date of service of this Writ of Continuing
4 Garnishment, the Garnishee states as follows:

5 a. Defendant was in my/our employ. Yes____ No____

6 b. The Defendant's pay period is ____ weekly, ____ bi-weekly,
7 ____ semi-monthly, ____ monthly.

8 c. The Defendant's present pay period began on _____ (date).
9 ("Present" means the pay period in which the Writ of Continuing
Garnishment was served.)

10 d. The Defendant's present pay period ends on _____ (date).

11 e. The Defendant's net wages are as calculated below:

12 (1) Gross Pay \$ _____

13 (2) Federal income tax \$ _____

14 (3) F.I.C.A. tax \$ _____

15 (4) State income tax \$ _____

16 (5) SDI \$ _____

17 Total tax withholdings \$ _____

18 Net Wages \$ _____
19 (gross pay minus above withheld taxes)

20 6. Are there any other garnishments currently in effect? Yes ____ No ____

21 If the answers is yes, describe below and attach to this Answer a copy of each
22 garnishment:
23

24 _____
25 _____
26 _____

27 7. Will the Garnishee owe the Defendant money in the foreseeable future?

28 Yes ____ No ____ If the answer is yes, provide the reason why such money will be

1 owed, the amount of money that will be owed, and the date or dates on which each
2 payment will be due:

3	Type of		
4	<u>Payment</u>	<u>Amount</u>	<u>Date Payment</u> <u>Will be Due</u>
5	1. _____	_____	_____
6	2. _____	_____	_____
7	3. _____	_____	_____

8 8. Does the Garnishee currently have custody, control or possession of property
9 (other than earnings) such as bank accounts, pensions, thrift plans, etc., in which the
10 Defendant maintains an interest? Yes____ No____ If the answer is yes, then
11 provide the following information for each item of such property:

12	Description of		
13	<u>Property</u>	<u>Approximate</u> <u>Value</u>	<u>Description of</u> <u>Defendant's Interest</u>
14	1. _____	_____	_____
15	2. _____	_____	_____
16	3. _____	_____	_____
17	4. _____	_____	_____

18 9. Does the Garnishee expect to obtain in the foreseeable future custody,
19 control or possession of property (other than earnings) such as bank accounts,
20 pensions, thrift plans, etc., in which the Defendant maintains an interest? Yes____
21 No____ If the answer is yes, then provide the following information for each item of
22 such property:

23	Description of	Approximate	Description of	Date Will
24	<u>Property</u>	<u>Value</u>	<u>Defendant's Interest</u>	<u>Obtain</u> <u>Property</u>
25	1. _____	_____	_____	_____
26	2. _____	_____	_____	_____
27	3. _____	_____	_____	_____
28	4. _____	_____	_____	_____

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10. Does the Garnishee have any objections or defenses to the Writ of Continuing Garnishment? Yes____ No____ If the answer is yes, list the nature and basis of each objection and/or defense:

On behalf of CALIFORNIA STATE UNIVERSITY EAST BAY, I hereby certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Telephone # _____

Fax # _____

Dated: _____

By: _____

(Sign above and type or print name below)

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CERTIFICATE OF SERVICE

I, _____, declare:

That I am a citizen of the United States and employed in the County of _____, California; that my business address is _____; that I am over the age of eighteen years; and that I am not a party to the above-entitled action;

That on _____ (date), I deposited in the United States mail, in envelopes bearing the requisite postage, a copy of:

ANSWER OF GARNISHEE

addressed to each of the following, at their last known addresses, at which place there is service by United States mail.

DAYRILL LEWIS aka DAYRL LEWIS aka DAYRLL LEWIS
3302 Costa Drive
Hayward, CA 94541

Michael Cosentino
Counsel for the United States
P.O. Box 129
Alameda, CA 94501

This Certificate was executed on _____ (date),
at _____ (city), California.

I certify under penalty of perjury that the foregoing is true and correct.

(sign above and type or print name
below)